IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HON'BLE THE CHIEF JUSTICE MR.H.L.DATTU
&
THE HONOURABLE MR. JUSTICE K.T.SANKARAN

THURSDAY, THE 7TH JUNE 2007 / 17TH JYAISHTA 1929

Con.Case(C).No. 340 of 2007(S)

AGAINST THE JUDGEMENT IN WPC.27830/2005

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PETITIONER/RESPONDENT

S.ASOK KUMAR, AGED 45 YEARS,
S/O.SEKHARAN NAIR, JUNIOR LIBRARIAN,
CENTRAL ADMINISTRATIVE TRIBUNAL, ERNAKULAM BENCH,
RESIDING AT "RAHULAM", BEHIND LMS GODOWN,
KUNNUMPURAM, KAKKANAD, KOCHI-682 030.

BY ADV. SRI.T.C.GOVINDA SWAMY

RESPONDENT/IST PETITIONER:

SHRI.SATHYANANDA MISHRA, AGED
(NOT KNOWN), S/O..(NOT KNOWN TO THE PETITIONER),
SECRETARY TO THE GOVERNMENT OF INDIA,
MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES &
PENSION (DEPARTMENT OF PERSONNEL & TRAINING),
NEW DELHI.

BY SHRI P. PARAMESWARAN NAIR, ASSISTANT SOLICITOR GENERAL
ADV. SRI.JOHN VARGHESE, ASSISTANT SG

THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 07/06/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

H.L. DATTU, C.J. & K.T. SANKARAN, J.

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CONTEMPT CASE (C)No.340 OF 2007

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Dated this the 7th June, 2007

J U D G M E N T

H.L. Dattu, C.J.:

This Court, while disposing of the Writ Petition (C) No. 27830 of 2005 by judgment dated 26th October, 2005, had issued the following directions:

> *"If a representation is filed by the respondent as above before the first petitioner-Secretary to Government , Government of India, we direct that they should consider the same and take an expeditious decision on the representation. In any case, the decision has to be communicated, preferably after hearing him, within a period of three months from the date of receipt of such representation, and if feasible, on the basis of the expertise the Government has already gathered from the report of the Review Committee."*

2. After the disposal of the Writ Petition, the first petitioner/respondent herein has passed an order dated 22nd March, 2007 on the representation filed by the petitioner herein . In that, they have stated as under:

> *"(a) As the existing RRs for the post of Jr. Librarian do not match the RRs prescribed for upgradation of the post to the pay scale of Rs. 5500-9000, the request of Shri S.*

Asok Kumar, Jr. Librarian in this regard cannot be accepted as had been verbally explained to him during the course of personal hearing on 08.05.2006.

(b) As regards specific proposal for creation/upgradation of the posts as a result of implementation of the Review Committee on Library Staff for the libraries of various benches of CAT, a view has since been taken by the Government that the norms issued in July 1990 are over 16 years old and need to be reviewed in the light of various developments including extensive use of IT related technologies in various libraries . It has accordingly been decided that such proposals should await recommendations of the 6th Central Pay Commission, which has since been constituted and may be looking into this aspect. Therefore such proposals being received from various Ministries/Departments of Government are not being processed by Department of Expenditure".

3. Alleging that the respondent in this Writ Appeal has deliberately and wilfully disobeyed the orders and directions issued by this Court in the Writ Petition, the appellant has filed this Writ Appeal. One of the directions issued by this court in the Writ Petition was that the respondent herein shall consider the representation filed by the petitioner herein within a particular time frame. After receipt of the representation filed by the petitioner herein, the respondent herein

has passed an order . If, for any reason, the petitioner is aggrieved by the order so passed, the petitioner ought to have filed an appeal before the appropriate forum.

4. After going through the orders passed by the respondent on the representation filed by the petitioner , we are of the opinion that respondent has not committed any act of contempt and that no contempt proceedings require to be initiated. In that view of the matter, contempt proceedings are dropped.

Ordered accordingly.

H.L. DATTU,
CHIEF JUSTICE.

K.T. SANKARAN,
JUDGE.

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